IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1074 of 2007()

CRIME NO.356/02 OF AREACODE POLICE STATION

: PETITIONER/2ND ACCUSED

SRI.UMMER, S/O.KUNHIMOHAMMED,
AGED 29 YEARS, RESIDING AT PYKATTUCHALIL HOUSE,
OORNGATTIRI AMSOM DESOM, ERNAD TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH SUB INSPECTOR
OF POLICE, AREACODE REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1074 OF 2007

Dated this the 1st day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.356/02 of Areacode Police Station for offences punishable under Sections 465 and 468 read with section 34 IPC, seeks anticipatory bail.

2. The case of the prosecution is that on 21.11.2002 at about 10.30 a.m. the police patrol party stumbled upon the first accused carrying river sand illicitly on the basis of a forged pass and on interrogation he revealed that the pass furnished by him was given by one Babu, who in turn was given the pass by the petitioner.

3. Consequent on the non-appearance of the petitioner in C.C.No.375/2004 on the file of the CJM, Manjeri, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within one month from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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